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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 MARK GRIGSBY, individually, )  
10 )  
11 Plaintiff, ) Case No. 3:23-cv-00178  
12 )  
13 vs. )  
14 )  
15 PROGRESSIVE CASUALTY INSURANCE )  
16 COMPANY, and DOES I-X, inclusive, ABC )  
17 CORPORATIONS I thought X inclusive, and )  
18 BLACK AND WHITE COMPANIES )  
I through X, inclusive, )  
Defendants. )  
\_\_\_\_\_ )

19  
20 **ORDER GRANTING STIPULATION TO REMAND TO STATE COURT AND**  
21 **DISMISSING PLAINTIFF'S SECOND, THIRD, AND FOURTH CAUSES OF**  
22 **ACTION WITHOUT PREJUDICE**

23 **COMES NOW**, Defendant, PROGRESSIVE CASUALTY INSURANCE COMPANY,  
24 by and through their attorney, DAVID M. ZANIEL, ESQ., of the law offices of RANALLI  
25 ZANIEL FOWLER & MORAN, LLC, and Plaintiff MARK GRIGSBY'S attorney of record,  
26 MARK WENZEL, ESQ. of the law offices of BRADLEY DRENDEL & JEANNEY, who  
27 stipulate, agree, subject to this Court's approval to remand the case to State Court and Dismiss  
28 Plaintiff's Second, Third, and Fourth Causes of Action and is as follows:

1           1.       On April 4, 2023, Plaintiff filed the original complaint in the Second Judicial  
 2 District Court, Washoe County Nevada (case no. CV23-00570) against Defendant,  
 3 Progressive Casualty Insurance Company, an Ohio Corporation, but doing business in the State  
 4 of Nevada.  
 5

6           2.       On April 28, 2023, Defendant, Progressive Casualty Insurance Company  
 7 removed the case to this Court pursuant to 28 U.S. Code § 1332 and 28 U.S.C. §1441(a)-(c)  
 8 because there was complete diversity between the parties and the amount in controversy exceed  
 9 \$75,000.00.  
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11           3.       The parties have agreed that the action should be remanded to the Second Judicial  
 12 District Court of the State of Nevada, in and for Washoe County. To that end, the parties hereby  
 13 stipulate that the Action be remanded to Second Judicial District Court of the State of Nevada, in  
 14 and for Washoe County.  
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16           4.       The parties further stipulate that Plaintiff's Second Cause of Action for Bad Faith,  
 17 the Third Cause of Action for Breach of Nevada Unfair Claims and Settlement Practices Acts  
 18 and Fourth Cause of Punitive Damages shall be dismissed without prejudice. The First Cause of  
 19 Action for Breach of Contract claim shall remain.  
 20

21           5.       The Parties further stipulate that each party shall bear their own attorneys' fees  
 22 and costs with respect to the removal and subsequent remand of the Action pursuant to this  
 23 Stipulation and Order.

24 DATED this 4th day of May 2023.

DATED this 4th day of May 2023.

25 BRADLEY DRRENDEL & JEANNEY

RANALLI, ZANIEL, FOWLER MORAN

26 /s/ MarkWenzel

/s/ David Zaniel

27 MARK WENZEL, ESQ.

DAVID M. ZANIEL, ESQ.

28 Nevada Bar No. 5820

Nevada Bar No. 7962

Attorney for Plaintiff Grigsby

Attorney for Defendant Progressive

**ORDER**

The Court having reviewed that stipulation and good cause appearing, orders as follows:

1. This instant action is hereby remanded to Second Judicial District Court of the State of Nevada, in and for Washoe County.

2. Plaintiff's Second Cause of Action for Bad Faith, the Third Cause of Action for Breach of Nevada Unfair Claims and Settlement Practices Acts, and Fourth Cause of Punitive Damages shall be dismissed without prejudice. The First Cause of Action for Breach of Contract claim shall remain.

3. Each party shall bear their own attorneys' fees and costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation and order.

**IT IS SO ORDERED.**

Dated this 9<sup>th</sup> day of May, 2023.

  
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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE